

**HOW TO REQUEST A REVIEW FOR
ADJUSTMENT/MODIFICATION**

INTRODUCTION:

During the course of your child support case, you may find that many conditions of your lifestyle have changed since the amount of your original support order was determined. You may have more or less money than before, you may make more frequent visitations, or you may have to pay more for your child’s medical insurance. If your financial situation has changed significantly, you may want to request a review for adjustment or a modification of your support order. A review for adjustment can lead to a modification of the original support order that better suits the financial situations of the people providing or receiving support. Both custodial parents (CPs) and non-custodial parents (NCPs) can request a review for adjustment/modification of a support order.

Under what conditions can I request a review for adjustment?

To request a review of the amount of your support payments, you need to show that there has been a *substantial and continuing* change of circumstances. An NCP may have recently lost his/her job, or a parent may have recently received a pay raise at his/her job. Under Arizona State law, the change in circumstances must show that the amount of the child support payment would change by at least fifteen percent.

All court orders for support must include a medical support obligation. If your order does not have a medical support provision, that alone can be ground for an adjustment.

How do I request a review for adjustment?

To request a review for adjustment, you must fill out a request for modification. A form called the "Parent's Worksheet for Child Support Amount" must accompany the request for modification. This

is a sworn document that is used to determine if the support order should change. The Parent’s Worksheet for Child Support Amount can be used by a non-custodial parent who wishes to show that his/her income has decreased by a substantial and continuing amount, or it could be used by a custodial parent to show that the non-custodial parent’s income has increased by a substantial and continuing amount. It can also be used to show that the medical support paid by either parent has increased by a substantial and continuing amount. Both of these forms can be found at your local Division of Child Support Enforcement (DCSE) office.

The request for modification and all of your supporting evidence will be served on the other parent, and they will be given the opportunity to dispute the request. If the other parent does not request a hearing within 20 days if they live in Arizona or 30 days if they live out of state, then the court will decide whether the support payments should be modified. DCSE can submit these forms for you if you provide the information. If you need any help requesting a review for adjustment, contact your local DCSE office.

How often can I request a review for adjustment?

You can request a review for adjustment once every three years. DCSE will send both parents a notice in the mail once every three years reminding you of your right to request a review for adjustment. If you wish to request a review for adjustment sooner than three years, you have to show a changed circumstance that is substantial and continuing. If you request a review sooner than three years without any evidence of a changed situation that is substantial and continuing, your case will not be reviewed. Remember that in Arizona, a circumstance that is substantial and continuing is one that will change your support order by at least fifteen percent for adjustment. If you have information of a substantial and continuing change in the finances of the NCP, you can contact your local DCSE office to request a review for adjustment.

How will I know if the other parent is making enough money for me to request a review for adjustment?

Arizona law requires all support orders to contain a provision that makes both parents exchange financial information every two years. This includes tax returns, financial affidavits, and earning statements. When you have this information, it will help you determine if the other parent is making enough money for you to request an increase of the support order.

Most court orders also include a provision that requires both parents to exchange their addresses, as well as the names and addresses of their employers every two years in addition to their financial information. This information can also be helpful in determining whether one parent makes enough money for a modification.

I currently pay my child’s medical insurance, but the other parent receives less expensive benefits where he/she works. Can I request a review for adjustment if I want to change the medical assignment in the support order?

If one parent receives significantly less expensive benefits than the other, the parent with less expensive benefits should pay the medical insurance of the child. However, if both parents receive benefits that cost the same amount, the child will receive benefits through the CP.

**HOW A NONCUSTODIAL PARENT CAN
REQUEST A REVIEW FOR ADJUSTMENT/
MODIFICATION:**

I visit my child frequently. Can I make an adjustment for that?

If you visit frequently, it is possible to request an adjustment, depending upon how often you visit. Call your local DCSE office for details.

I pay for the child’s medical expenses, but the cost of these expenses has increased significantly since the support order was issued. Can I request a review for adjustment?

Support orders often include the amount of medical support NCPs must pay as part of the monthly support. If your medical expenses have gone up by an amount that would change your support payments by fifteen percent, you may request a review for adjustment. Remember that this must be a substantial and continuing change, and that any temporary changes in your financial situation do not reflect a substantial and continuing change.

It is also possible for you to request a modification of the support order that would allow the CP to pay for medical support if the CP receives less expensive medical coverage. If the medical coverage does shift to the CP, half of what the CP pays for medical coverage will be added to your monthly support payments.

After I make support payments, I can barely afford to eat and pay rent. When my court order was issued, I was making more money than I am now. Is there any way that I can adjust the amount I pay for child support?

If you have experienced a significant drop in your salary, it is possible to request a review for adjustment. If your income has decreased by fifteen percent or more over a long period of time, you can request a review by showing that there are substantial and continuing circumstances for review.

It is also possible to request a review if you are not making enough money to support yourself and pay support. The State of Arizona sets the *self-support reserve*, which is the amount per month that you need to survive, at \$710. If you are not making this much money after you pay support, you can request a review or modification.

